

REMARKS

Please reconsider this application in view of the above amendments and following remarks. Applicant thanks the Examiner for indicating that claims 1-7 and 15-17 are allowable.

Disposition of Claims

Claims 1-17 were pending in this application. By way of this reply, claims 11-14 have been canceled without prejudice or disclaimer. Accordingly, claims 1-10 and 15-17 are now pending in this application. Claims 1 and 3-5 are independent. The remaining claims depend, directly or indirectly, from the independent claims.

Claim Amendments

Claims 8-10 have been amended to depend from claim 1.

Claim Rejections under 35 U.S.C. § 101

Claims 8-14 stand rejected under 35 U.S.C. § 101 on the ground of lack of utility. As explained above, claims 11-14 have been canceled by way of this reply. Accordingly, this rejection is now moot with respect to claims 11-14. To the extent this rejection still applies to the amended claims, the rejection is respectfully traversed.

The claimed invention is useful because it automatically and efficiently suppresses a driver from using a mobile telephone when the driver is driving while allowing a fellow passenger to use the mobile telephone without being suppressed. *See* Specification at [0008]. By way of this reply, claims 8-10 have been amended to depend from claim 1. The Examiner has allowed claim 1, thereby indicating that claim 1 satisfies the utility requirement of 35 U.S.C. § 101. The invention of

claim 1 includes a database which registers face data of a driver and identification information of a mobile communication device used by the driver. Amended claims 8-10 further limit the invention of claim 1 to a configuration that provides the database outside the vehicle. *See, e.g.*, Specification at [0076]. Amended claims 8-10 provide a device according to claim 1, wherein, when face data of a driver recognized for face authentication does not exist in a database of the device, information for identifying a mobile telephone corresponding to the recognized driver is examined in an external database using a wide area communication device. Performing an external search is useful because it enables the device to identify and suppress the driver even when face data of the driver is stored in a database outside the vehicle (such as a personal computer, a mobile telephone service station, or an Internet service provider). *See, e.g.*, Specification at [0063]. Further, using a wide area communication device for the external search is useful because it helps reduce leakage of private information stored in the external database. *See, e.g.*, Specification at [0079].

The invention recited in claim 8 sets the mobile telephone to "drive mode" when the mobile telephone can be identified in the external database. *See, e.g.*, Specification at [0080]. This is useful because it suppresses the communication of the driver when the face data of the driver is stored in a database outside of the vehicle. The invention recited in claim 9 requests registration information on the mobile telephone when the mobile telephone cannot be identified on the external database. *See, e.g.*, Specification at [0105]. This is useful because it allows a new driver to register his/her information in the external database. The invention recited in claim 10 sets the mobile telephone to a "controlled state" when the mobile telephone cannot be identified and information on the mobile telephone is not registered. *See, e.g.*, Specification at [0093]-[0094]. This is useful

because it prevents the driver from operating the mobile telephone when the driver fails to register his/her information. *See, e.g.*, Specification at [0083].

As explained above, amended claims 8-10 satisfy the utility requirement of 35 U.S.C. §101 because it is useful to be able to identify and suppress communication of a driver when face data of the driver is stored in an external database. No new matter is added by way of these amendments. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 112

Claims 8-14 stand rejected under 35 U.S.C. §112, first paragraph, on the ground that one skilled in the art would not know how to use the claimed invention. As explained above, claims 11-14 have been canceled by way of this reply without prejudice or disclaimer. Accordingly, this rejection is now moot with respect to claims 11-14. To the extent this rejection still applies to the amended claims, the rejection is respectfully traversed.

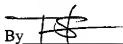
Specifically, the Examiner stated that, because the claimed invention fails to satisfy the utility requirement of 35 U.S.C. §101, the claimed invention necessarily fails to meet the enablement requirement of 35 U.S.C. §112, first paragraph. In other words, this rejection is based solely on lack of utility grounds under 35 U.S.C. §101. As explained above, claims 8-10 have been amended and the reasons for the utility of these claims, as required by 35 U.S.C. §101, are clearly set forth. Further, the specification fully supports the asserted utility by explaining how the claimed invention can be made and used by one skilled in the art. *See, e.g.*, Specification at [0080], [0094], and [0105]. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17276/002001).

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Respectfully submitted,

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